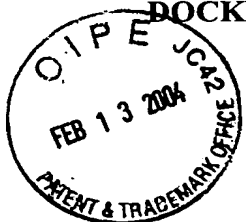


1-AR
1638



DOCKET NO.: RUBC-0025 (97-0081 US)

**PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Charles E. Martin and Andrew Mitchell

Confirmation No.: 4826

Application No.: 09/763,331

Group Art Unit: 1638

Filing Date: May 30, 2001

Examiner: Russell Kallis

**For: SYNTHETIC FATTY ACID DESATURASE GENE FOR EXPRESSION IN
PLANTS**

DATE OF DEPOSIT: February 11, 2004

I HEREBY CERTIFY THAT THIS PAPER IS BEING
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TYPED NAME: Janet E. Reed
REGISTRATION NO.: 36,252

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF APPEALS PURSUANT TO 37 CFR § 1.192**

Applicant hereby appeals to the Board of Appeals from the Decision of the Primary Examiner mailed **August 13, 2003** finally rejecting claims **1-5 and 7-20** of the above-identified patent application.

The item(s) checked below are appropriate:

- ☒ Applicant(s) has previously claimed small entity status under 37 CFR §1.27.
- ☐ Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR §1.27 as : \

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37 CFR § 1.116**

- ☒ Petition is hereby made under 37 CFR § 1.136(a) (fees: 37 CFR § 1.17(a)(1)-(4) to extend the time for response to the Office Action of August 13, 2003 to and through February 13, 2004 comprising an extension of the shortened statutory period of (3) three months.

	SMALL ENTITY		NOT SMALL ENTITY	
	RATE	FEE	RATE	FEE
<input checked="" type="checkbox"/> NOTICE OF APPEAL	\$165	\$165	\$330	\$
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME	\$55	\$0	\$110	\$
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME	\$210	\$0	\$420	\$
<input checked="" type="checkbox"/> THREE MONTH EXTENSION OF TIME	\$475	\$475	\$950	\$
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME	\$740	\$0	\$1480	\$
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME	\$1005	\$0	\$2010	\$
<input checked="" type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID	minus	(\$475)	minus	(\$)
TOTAL FEE DUE		\$165		\$0


- ☒ A check in the amount of **\$165.00** is attached. Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050.
- ☐ Please charge my Deposit Account No. 23-3050 in the amount of **\$_____00**. This sheet is attached in duplicate.

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PROCEDURE PURSUANT TO
37 CFR § 1.116**

- ☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to Deposit Account No. 23-3050. This sheet is provided in duplicate.

Date: February 11, 2004


Janet E. Reed
Registration No. 36,252

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Facsimile: (215) 568-3439

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